DOCUMENT RESUME

ED 358 445 CS 213 811

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TITLE Classical Stasis Theory and the Analysis of Public Policy.
PUB DATE Mar 93
NOTE 11p.; Paper presented at the Annual Meeting of the Conference on College Composition and Communication (44th, San Diego, CA, March 31-April 3, 1993).
PUB TYPE Guides - Non-Classroom Use (055) -- Viewpoints (Opinion/Position Papers, Essays, etc.) (120) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Debate Format; Greek Civilization; *Heuristics; Models; *Persuasive Discourse; *Public Policy; Rhetorical Theory; Theory Practice Relationship
IDENTIFIERS *Classical Rhetoric; Historical Background; *Stasis Theory

ABSTRACT

In classical Greece, there was a close tie between rhetoric and the practice and theory of public policy. Gradually, however, rhetoric became increasingly concerned with style and literary criticism, while philosophers began to debate political issues apart from the practical affairs of the polis. Because rhetoric provides a model that can still allow for quantitative and empirical study but that would also account for ethical and philosophical issues, it should be reunited with the analysis of public policy. The model comes from classical stasis theory. Stasis theory was first conceptualized by Hermagoras of Temnos who devised a four-part heuristic (conjecture, definition, quality, and objection) for identifying the crucial issue in a given case. After examining issues of fact, the analyst turns to issues of interpretation. Questions of value may involve evaluation of an action or of its consequences. The final stasis of public policy discourse involves parliamentary issues that determine the rules of objection. Who should debate or decide an issue? Under what conditions should debate occur? After completing this four-part analysis, the policy analyst is prepared to join in the debate. Given the particular context, audience, and purpose, the analyst can select the point of stasis or disagreement for that particular audience and address the point of stasis according to rules acceptable for that context. (SAM)

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Classical Stasis Theory and the Analysis of Public Policy

In classical Greece, there was a close tie between rhetoric and the practice and theory of public policy. Early Greek lawgivers and statesmen such as Solon, Pericles, or Themistocles joined wisdom with eloquence in the realm of public affairs (Kerford 8-10). Plato tied rhetoric to ethics, arguing in the *Phaedrus* that the true rhetorician must understand the nature of the soul and of virtue. Aristotle made rhetoric a branch of ethics and politics. In the *Rhetoric*, Aristotle acknowledges three types of discourse: forensic, epideictic, and deliberative. Forensic discourse was associated with courts of law. Epideictic discourse was ceremonial in nature and had to do with assigning praise or blame. Deliberative discourse focused on issues related to government.

Rhetoric maintained a close tie with ethics and politics through the Roman period, although in their writings, the Roman rhetoricians typically favor forensic discourse. Gradually, however, rhetoric became disassociated from its traditional context of politics and ethics. Rhetoricians became increasingly concerned with style and literary criticism, while philosophers began to debate political issues apart from the practical affairs of the polis. The break between Classical rhetoric and political philosophy became nearly complete in the middle of the 19th century, when political philosophy became a "science." In the twentieth century, "policy science" has developed as a separate discipline devoted to the quantitative,

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empirical study of public policy.

Recently, policy analysts have begun to question traditional quantitative policy analysis. Stuart s. Nagel, a leading policy scientist, suggests the need for greater attention to ethics in policy analysis. This concern has been expressed by other in what has become the school of normative policy analysis. M. E. Hawkesworth rejects altogether the dichotomy between fact and value that characterizes contemporary policy analysis, arguing that all policy analysis is permeated with value questions. And in a recent issue of Public Policy Review, a flagship journal for policy science, the editor expresses the need for a type of analysis that can account for different value systems and diverse cultural contexts.

The answer to these concerns lies in the reunion of rhetoric with he analysis of public policy. Rhetoric provides a model that can still allow for quantitative and empirical study but that would also account for ethical and philosophical issues. The model comes from Classical stasis theory.

Stasis is a Greek word meaning "standing" or "position," but it can also refer to a quarrel, disagreement, or revolt. Rhetoricians also use the Latin word status, meaning "standing' or "position." Status is derived from the verb stare, "to stand." Related words include static, state, stable, and stage. All these words refer to a stoppage or standstill. In rhetoric, stasis refers to a standstill brought about by the interaction of two opposing viewpoints. Rhetoricians attempt to resolve the stasis through persuasion.

Stasis theory has its origins in pre-Socratic philosophy. The Sophists, for instance, practiced a type of reasoning involving the resolution of opposites. The type of reasoning, known as dissoi logoi, or "double-logic,"[1] stems from Protagoras but can be seen in the

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[1]dissoi comes from the Greek word disos meaning "twice," "double," or "ambiguous."

writings of Gorgias. In the "Encomium on Helen," Gorgias places Helen in opposition to her captor:

> But if by violence she was defeated and unlawfully she was treated, and to her justice was meted, clearly her violator was importunate, while she, translated and violated, was unfortunate. therefore, the barbarian who legally, verbally, actually attempted the barbarous attempt, should meet with verbal accusation, legal reprobation, and actual condemnation. For Helen, who was violated and from her fatherland separated, and from her friends segregated, should justly meet with commiseration rather than with defamation. For he was the victor and she the victim. It is just, therefore, to sympathize with he latter and to anathematize the former. (Murphy, "Origins," 11)[2]

Gorgias tries a similar strategy in "On Being and Non-being." In this treatise, he ridicules the debate then raging about the nature of reality. Gorgias places the two sides of the debate in opposition to each other and then argues against both sides at the same time, showing that being does not exist and non-being does not exist.

Plato portrays a method similar to dissoi logoi in his dialogues. The dialectical method is based upon antithesis. Plato's method forces a choice between ideas placed in opposition (Murphy, "Origins," 17).

Aristotle includes the method of reasoning by opposition in the Rhetoric:

> Further, the orator should be able to prove opposites, as in logical arguments; not that we should do both (for one ought not to persuade people to do what is wrong), but

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[2]The translation comes from Moses Hadas, History of Greek Literature (NY: Columbia UP, 1950), p. 160.

that the real state of the case may not escape us, and that we ourselves may be able to counteract false arguments, if another makes unfair use of them. Rhetoric and Dialectic alone of all the arts prove opposites; for both are concerned with them. (I.i.12)[3]

Stasis theory was first fully conceptualized by Hermagoras of Temnos, who devised a four-part heuristic for identifying the crucial issue in a given case. Hermagoras' work on rhetoric has been lost, but his heuristic has been reconstructed by Dieter Matthes and Ray Nadeau:

1. Conjecture:
    1. From a consideration of motive (of the accused)
    2. From a consideration of character (of the accused)
    3. From a consideration of the act itself (signs and general evidence pointing to the accused)
2. Definition (murder, theft, treason, etc.)
3. Quality:
    1. Plea-of-justification (no wrong admitted)
    2. Counterproposition (wrong admitted but . . .)

    Counterplea (claim of benefit rendered)

    Countercharge (the one harmed deserved injury)

    Shifting of blame to a person or circumstance capable of liability

    Shifting of blame to a circumstance incapable of liability

    Plea for leniency
4. Objection (to the trial on procedural grounds) (Murphy, "The Age of Codification," 81-2)

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[3]All references to Aristotle come from the Loeb edition.

In his own discussion of forensic oratory, Cicero adopts the four-part system of Hermagoras. The four stases or issues for Cicero are as follows: conjectural, definitive, qualitative, and translative. The conjectural issue involves a dispute about the facts in a case. The definitive issue involves a dispute about the definition of terms. The qualitative issue is concerned with the nature of the act, and the translative issue involves a dispute about the jurisdiction of the court. The following example shows how stasis theory can be sued in a judicial setting.

Let us suppose that I suspect a student of plagiarism. Stasis theory begins with a conflict of pleas. I say, "You plagiarized." The student responds, "I did not plagiarize." The first stasis in a judicial case always involves a question of fact: Did the student plagiarize? I ask, "If it wasn't plagiarism, then what would you call it?" The student, who apparently knows classical rhetoric, responds, "I would call it historical collaboration." The question now becomes a question of definition: Was the student's act an act of plagiarism? The student might also question the quality or nature of the act, pleading, "No harm was done" or "Sure I plagiarized, but some good came of it." Finally, the student could object to the trial on procedural grounds, questioning my jurisdiction: "I want to talk to the Dean." The question then becomes one of procedure, Should I or the Dean decide this case?

Cicero elaborates his theory of stasis in some detail in Book 2 of De inventione, but although Cicero suggests that stases can be found in deliberative and epideictic oratory, he does not outline a system for these other forms of discourse. Aristotle also refers to stock issues in deliberative oratory in Book 1 of the Rhetoric:

> In deliberative oratory, it may be maintained either that certain consequences will not happen, or that what the adversary recommends will happen, but that it will be unjust,

inexpedient, or not so important as supposed. (I.ix.35-7)

No more is said by the classical rhetoricians about the stases of deliberative discourse.

I intend to construct a system of stasis for public policy inquiry and discourse (deliberative discourse) based upon the classical model. A policy statement proposes that some agent should take some action: The United States should sent ground troops to Bosnia. If the policy statement is controversial, then stasis can result. Some will argue that the U.S. should not send ground troops to Bosnia. This stasis can be phrased as a policy question: Should the United States send ground troops to Bosnia? The types of issues from classical stasis theory provide a framework for exploring this issue and justifying answers to the policy question.

1. Issues of fact:

    1. existence: What situation exists?

    2. causality: What is the cause of this situation? What are the effects of this situation? What proposed actions will change this situation? What other effects with these actions have? What are the "causes" of these actions?

2. Issues of interpretation:

    1. Definition: What is it? How shall we define terms to describe it?

    2. Comparison/Contrast: resemblance (figurative or literal), precedent, analogy: What is it like?

    3. Classification: What is its genus and species?

    4. Explication of "sacred texts": the Bible, the Constitution, etc.

3. Issues of value: Evaluation: Is it good or bad? (right/wrong; righteous/wicked; beautiful/ugly)

4. Parliamentary issues: What are the "rules" for discourse? Who can speak/decide? Where? When? Under what conditions?

The first issue the policy analyst discusses is the issue of fact. A proposed action such as sending U.S. troops to Bosnia is intended to change some existing situation. What is that situation, and does it actually exist? This is the question of existence. One may then ask, Will send troops actually change this situation? What other effects will this action have? If we allow this situation to persist, what will the effects be? What is the cause of this proposed action (Who proposed it? What were their motives? Where did it come from? What is its history?).

When deciding issues of fact, the policy analyst must focus on what is observable and measurable, adopting the point of view of the scientist. It is at this stage that policy science can benefit the analyst. Questions of fact can, of course, involve questions of definition and value, but these questions must be deferred to a later stage of the process. For instance, one may argue that eliminating minority scholarships will lead to discrimination. This is both an issue of fact and definition, but the issue of fact has become buried. By focusing on what is observable and measurable, the issue of fact and definition can be treated separately: Eliminating minority scholarship will decrease the number of minority students by 50%. Decreasing the number of minority students is discrimination. (There is also an issue of value implied here: discrimination is bad. This needs to be separated out and treated separately as well.)

After examining issues of fact, the analyst turns to issues of interpretation. These issues could focus on the definitions of ambiguous or controversial terms, the interpretation

of texts, comparisons, precedents, and analogies. A definition of discrimination might hinge on the interpretation of a key passage from the Civil Rights Act. A debate about abortion might revolve around the definition of "life." The decision to enter Bosnia might be affected by comparisons made between military action in Vietnam, Korea, or the Persian Gulf. The analyst should not only focus on how terms are defined within the context of a particular issue but should also note possible interpretations not being used. Issues of definition may also be related to issues of fact or value. For instance, one who argues that the U.S. should stay out of Bosnia because war in Bosnia would be just like the Vietnam War implies that the U.S. should not have become involved in the Vietnam War (U.S. involvement in Vietnam was wrong or bad).

Questions of value may involve the evaluation of something as a member of a particular class: the evaluation of a movie or a work of art. It may also involve the evaluation of an action or the effects of an action in an absolute sense. We should not send troops to Bosnia because involving ourselves in the affairs of another country is wrong. Since there are any number of ways of evaluating an action as right or wrong, the analyst should focus on the value systems of those involved in the debate and compare those value systems against his or her own system of beliefs and values.

The final stasis of public policy discourse involves parliamentary issues. These issues are actually extraneous to the discussion of the policy question itself since they are concerned with the rules under which such a discussion or decision can take place: Who should decide/debate the issue? Where should the decision/debate take place? When should the decision/debate take place? Under what conditions? There are certain places in any society where it is appropriate to debate and decide policy issues. Many campuses have a particular

place on campus--in front of the student union, by the administration building, in a particular quad or mall, at a particular intersection--where people usually come to discuss public issues. This "place" may be part of a certain publication: an op-ed page, for example. It may be a place with formal rules for debate and decision: the Supreme Court, the halls of Congress, the statehouse. The analyst should decide, for this particular issue, what the rules for debate and decision are (or should be).

After completing this analysis, the policy analyst is prepared to join in the debate. Given a particular context, audience, and purpose, the analyst can select the point of stasis or disagreement for that particular audience and address that point of stasis according to the rules that are acceptable for that context.

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